

## **REMARKS/ARGUMENTS**

### **Status of the Application:**

#### **Status of the Claims:**

Claims 1, 3 to 5, 7, 8, 13 to 16, 18 to 23, 25 to 39 and 41 to 91 have been presented for examination. Claims 55 and 65 are objected to because of claim dependency issues. Claims 48 to 53 and 61 to 67, 73 and 77 to 83 are rejected under 35 USC 102(e) as being anticipated by Charles, US 6,816,564. Claims 72, 74 to 76 and 88 to 91 are rejected under 35 USC 103(a) as being unpatentable over Charles. Claims 1, 3 to 5, 7, 8, 13 to 16, 18 to 23, 25 to 39 and 41 to 47 are allowed. Claims 54 to 60, 69 to 71 and 84 to 87 are objected to as being dependent upon a rejected base claim but otherwise recites allowable subject. Claims 58, 59, 70 and 86 are allowed by virtue of their dependency.

**Status of the priority claim:** The Examiner has acknowledged receipt of a certified copy of the application under 35 USC 119(a)-(d).

**Status of the Information Disclosure Statement:** The Examiner has acknowledged receipt of the two Information Disclosure Statements filed by the applicant.

**Status of the Drawings:** The drawings filed 13 March 2002 are accepted.

**Objection to claims 55 and 65.** The applicant appreciates the Examiner's comments regarding the dependency of claims 55 and 65. As presented claim 55 is correctly dependent on claim 49. The dependency of claim 54 has been amended to depend from claim 48. The dependency of claim 65 has been amended to depend from claim 64. The present amendment removes and overcomes the objection to claims 55 and 65 and objection should be withdrawn.

**Rejection of claims 48 to 53 and 61 to 67, 73 and 77 to 83 are rejected under 35 USC 102(e) as being anticipated by Charles, US 6,816,564. Claims 72, 74 to 76 and 88 to 91 are rejected under 35 USC 103(a) as being unpatentable over Charles.** The rejection of claims 48 to 53, 61 to 67, 72 to 74, 76, 77 to 83 and 88 to 91 over

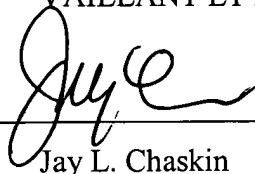
Charles et al. can be overcome by complying with 37 CFR 1.55 and MPEP 201.15. The Examiner has acknowledged the timely filing of a certified copy of FR 01 04160 filed March 28, 2001. Enclosed herewith is a full translation of the priority application FR 01 04160 consisting of twelve pages of text and one sheet of drawing illustrating Figs 1 and 2. In accordance with 37 CFR 1.55 and MPEP 201.15, Applicant's attorney states that the translation is an accurate translation of FR 01 04160. The disclosure in the priority FR 01 04160 (1) describes magnification determination as described and claimed in the present application and (2) satisfies 35 USC 112. Accordingly, the rejection of claims 48 to 53 and 61 to 67, 73 and 77 to 83 over Charles et al. is overcome and claims 48 to 53 and 61 to 67, 73 and 77 to 83 are considered allowable.

In view of the amendments to the claims, Applicant respectfully requests reconsideration and withdrawal of all objections and/or rejections under 35 U.S.C. §102(e) and 35 U.S.C. §103(a) that Applicant considers to be traversed. The Applicant respectfully requests that the Examiner reconsider and withdraw all of these rejections and respectfully requests a timely Notice of Allowance with respect to claims 1, 3 to 5, 7, 8, 13 to 16, 18 to 23, 25 to 39, and 41 to 91. The Commissioner is hereby authorized to charge any additional fees that may be required for this amendment, or credit any overpayment, to Deposit Account No. 50-2513.

Respectfully submitted,

VAILLANT ET AL.

By



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